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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 09/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

		Application No.	Applicant(s)
Office Action Summary		09/466,650	PARKHILL, ROBERT EVERETT
		Examiner	Art Unit
		William H. Wood	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 December 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☒ Claim(s) *15-20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 December 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

Claims 1-27 have been examined.

Specification

1.   The disclosure is objected to because it contains an embedded hyperlink and/or

other form of browser-executable code. Applicant is required to delete the embedded

hyperlink and/or other form of browser-executable code, which is found on page 6, line

26: "http://hoohoo.ncsa.uiuc.edu/cgi/overview.html". See MPEP § 608.01.

2.   The disclosure is objected to because of the following informalities: page 5, line

31 contains the phrase "[WHAT IS THE MESSAGE NAME IN THE FIGS?]", which is

believed to be a mistake. Appropriate correction is required.

3.   The abstract of the specification is objected to for containing legal phraseology:

the word "method" in the first sentence. Appropriate correction is required.

4.   The title of the application is objected to for containing legal phraseology: the

word "method". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claims 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Claims 15-20 recite numerous limitations, which

appear to refer to claim 14, however the claims are all dependent on claim 10. There is

insufficient antecedent basis for these limitations in the claims. Examiner interprets

claims 15-20 as being dependent on claim 14 as that seems to be the intention of
applicant. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7.   Claims 1-5, 8-10, 12-17, 20-21 and 23-26 are rejected under 35 U.S.C. 102(a) as
being anticipated by Netscape's "**SmartUpdate** Developer's Guide" March 11, 1999
herein referred to as **SmartUpdate**.

In regard to claim 1, **SmartUpdate** disclosed the limitations:

> [i)] *a method for updating data for a first processing entity, for detection by at least*
> *a second processing entity* (chapter 1, section "Why Use **SmartUpdate**
> Technology", three bulleted items; **SmartUpdate** uses a trigger (second entity) to
> detect whether a browser (first processing entity) needs or has been updated)
>
> [ii)] *detecting a need to update data for the first processing entity, based on a*
> *communication with the second processing entity* (chapter 6; trigger script on a
> server)
>
> [iii)] *automatically redirecting, communication from the first processing entity and*
> *the second processing entity, to the first processing entity and the third*
> *processing entity, under control of the second processing entity, in response to*

detecting the need to update data (chapter 6; page 5; middle of page, "location of

the Jar file ..."; the trigger locates the Jar file which is the third processing entity)

iv) *providing update complete data, under control of the third processing entity, for*

the second processing entity (chapter 4; second paragraph, "the JavaScript

installation script lets you use the Client Version Registry to keep track of your

software, tracking versions and locations installed on the computer"; the third

processing entity providing the second processing entity update complete data)

In regard to claim 2, **SmartUpdate** disclosed the limitation *including the step of*

providing updated data for the first processing entity, by the third processing entity

(chapter 1; **SmartUpdate** is used for installing or updating software on a system from a

JAR file; the first and third processing entities).

In regard to claim 3, **SmartUpdate** disclosed the limitation *including the step of*

providing update confirmation data from the first processing entity to the third

processing entity (inherent in that the first processing entity, where the software is

going, must indicate to the third processing entity, where the software is coming from,

its status).

In regard to claim 4, **SmartUpdate** disclosed the limitation *wherein the step of providing*

update complete data includes providing the update complete data for the second

processing entity, by way of the first processing entity (chapter 4, page 6, "Finalize or

Abort the Installation"; indicates the install over and the first processing entity can return

to the second processing entity).

In regard to claim 5, **SmartUpdate** disclosed the limitation *wherein the step of providing*

update complete data includes providing the update complete data to the second

processing entity (inherent in any installation system, the second entity or web server or

web page, cannot function properly if the installation/update did not correctly perform

and therefore this information must be given to the second entity).

In regard to claim 8, **SmartUpdate** disclosed the limitation *further including the step of*

automatically redirecting communication from the first processing entity and the third

processing entity to the first processing entity and the second processing entity based

on update confirmation data (inherent, clearly once the update has been determined to

be complete the communication would once again be directed between the first and

second processing entities, browser and web page on a server, in order for the user to

continue on their previous path of internet use).

In regard to claim 9, **SmartUpdate** disclosed the limitation *wherein the step of*

automatically redirecting communication from the first processing entity further includes

the step of sending, by the second processing entity, a uniform resource locator of the

third processing entity, to the first processing entity in response to the second

processing entity detecting the need to update data for the first processing entity

(chapter 6; page 5; middle of page, code chunk uses URL to find JAR file)

In regard to claim 10, **SmartUpdate** disclosed the limitations

[i] *sending, by the third processing entity, update instructions to the first*

processing entity and a request for confirmation of completion of an update

(chapter 4; specifically section "Finalize or Abort the Installation" on page 6; this

section determines if abort is necessary and in order to perform this function a

request for confirmation of a correct install must be made)

[ii] *sending, by the first processing entity, update confirmation data to the third*

processing entity in response to receiving the request for confirmation of

completion of an update (same section; the first processing entity must

communicate the status to the installer entity, third entity)

In regard to claims 12 and 13, the limitations are the same as for claims 1 and 10 above

and therefore are rejected in the same manner here.

In regard to claim 14, **SmartUpdate** disclosed the limitations:

[i] *a method for updating certificates for use by a web browser, for detection by at*

least a web server

[ii] *detecting a need to update web certificate data for the web browser, based on*

a communication with the web server

iii) *automatically redirecting, communication from the web browser and the web*

server, to the web browser and a processing entity, under the control of the web

server, in response to detecting the need to update data, by the web server

sending a universal resource locator associated with the processing entity to the

web browser

iv) *providing web certificate update complete data, under control of the processing*

entity, for the web server

These limitations are essentially the same as for claim 1, keeping in mind that the web

browser is the first processing entity, the web server is the second processing entity,

and the processing entity is the third processing entity. All of these limitations are met

by **SmartUpdate** as discussed above. Also, web certificate data is met by

SmartUpdate through the Signed Java Classes mentioned on page 11 of chapter 4.

Furthermore, **SmartUpdate** indicates any software component can be installed/updated

via its services (chapter 1, pages 1 and 2). Therefore, claim 14 is rejected in a similar

manner as above claim 1.

In regard to claims 15-17 and 20-21, these limitations are the same as for the above

claims 2-5 and 8-10 except they are directed toward a different independent base claim.

Therefore, claims 15-17 and 20-21 are rejected in the same manner as claims 2-5 and

8-10.

In regard to claims 23-26, these limitations are the same as for the above claims 14-17

and 20-21 except they are directed toward a different independent base claim 23.

Claim 23 only adds the limitation of a system, which the above rejections include.

Therefore, claims 23-26 are rejected in the same manner as claims 14-17 and 20-21.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 6, 7, 11, 18, 19, 22 and 27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Netscape's "**SmartUpdate** Developer's Guide" as applied to claim 1

and in further view of Venkatesan et al. (USPN 6,209,093).

In regard to claim 6, **SmartUpdate** did not explicitly state the limitation *determining*

whether a connection request between the first processing entity and the second

processing entity includes a cookie associated with the second processing entity.

Venkatesan demonstrated that it was known at the time of invention to utilize cookies as

a method of communicating between two entities concerning update information

(column 14, line 41 to column 15, line 6). It would have been obvious to one of ordinary

skill in the art at the time of invention to implement **SmartUpdate** with a cookie

associated with the second entity as found in Venkatesan's teaching. This

implementation would have been obvious because one of ordinary skill in the art would

be motivated to communicate identification and configuration data between two entities in an efficient manner, which cookies provide due to their simplicity.

In regard to claim 7, **SmartUpdate** disclosed the limitation *wherein the data includes certificate data* (chapter 4, page 11; signed Java Classes mentioned which are certificate data). **SmartUpdate** disclosed the limitation of a cookie from the third processing entity though the Client Version Registry, which can be thought of as a cookie repository. **SmartUpdate** did not explicitly state the limitation *wherein the method also includes determining whether a certificate update should occur for the first processing entity based on whether cookies have been received by the first processing entity from the second and third processing entities.* Venkatesan demonstrated that it was known at the time of invention to utilize cookies as a method of communicating between two entities concerning update information (column 14, line 41 to column 15, line 6). It would have been obvious to one of ordinary skill in the art at the time of invention to implement **SmartUpdate**'s updating based on a cookie associated with the second entity as found in Venkatesan's teaching and a third entity as already found in **SmartUpdate**. This implementation would have been obvious because one of ordinary skill in the art would be motivated to communicate identification and configuration data between two entities in an efficient manner, which cookies provide due to their simplicity.

In regard to claim 11, **SmartUpdate** disclosed the limitation *wherein the step of*

providing update complete data under control of the third processing entity includes

sending a redirect command back to the first processing entity, by the third processing

entity, to direct the update complete data to the second processing entity (chapter 4,

page 6, "Finalize or Abort the Installation"; indicates the install over and the first

processing entity can return to the second processing entity). **SmartUpdate** did not

explicitly state the limitation *wherein the method further includes the step of sending, in*

response to the update complete data, a cookie from the second processing entity to

the first processing entity to confirm acceptance of the update. Venkatesan

demonstrated that it was known at the time of invention to utilize cookies as a method of

communicating between two entities concerning update information (column 14, line 41

to column 15, line 6). It would have been obvious to one of ordinary skill in the art at the

time of invention to implement **SmartUpdate** with a cookie associated with the second

entity as found in Venkatesan's teaching. This implementation would have been

obvious because one of ordinary skill in the art would be motivated to communicate

identification and configuration data between two entities in an efficient manner, which

cookies provide due to their simplicity.

In regard to claims 18, 19 and 22, the limitations are the same as for claims 6, 7 and 11

respectfully except for being dependent on a different base claim. However, the

limitations are rejected for the base claims and therefore, the limitations of claims 18, 19

and 22 are rejected in a similar manner.

In regard to claim 27, these limitations are the same as for the above claims 6 and 7

except they are directed toward a different independent base claim, however the

limitations are rejected in a similar manner. Therefore, claim 27 is rejected in the same

manner as claims 6 and 7.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure as follows.

[a] Laurent's, "Cookies", taught everything to know about cookies, including how

they work and their uses, such as communication between servers and clients.

[b] Riggins (USPN 6,233,341) taught a system for installing a certificate to a

remote site for the purposes updating data.

[c] Donohue (USPN 6,202,207) taught a system for automatic updating of

software on a site through the use of an updater agent. Agent has the ability to

search for and then automatically install software from the appropriate site (third

processing entity).

[d] Britt, Jr. et al. (USPN 5,940,074) taught a system in which a client is

automatically updated after logging into a server. Of particular interest is Figure

7.

[e] Fawcett (USPN 6,073,214) taught a system to update software periodically

from a remote server.

[f] Lowery et al. (USPN 5,894,554) taught routing to different servers for different

required information.

[g] Bolas et al. (USPN 6,389,463) taught downloading an updated plug-in.

[h] Venkatesan et al. (USPN 6,163,841) taught a system wherein the server of a

system that makes operating systems is capable of using cookies to determine

which clients need or are allowed to receive improvements to their software.
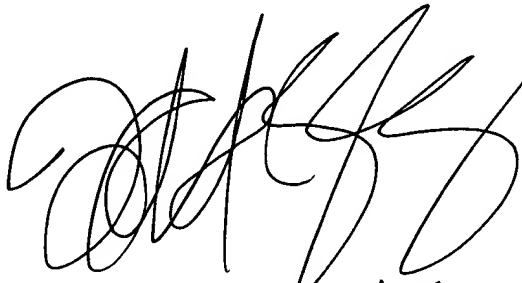
Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (703)305-3305. The examiner can normally be reached 7:30am - 5:00pm Monday thru Thursday and 7:30am - 4:00pm every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

William H. Wood
September 19, 2002